

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of enabling a client to access content, the method comprising:
 - receiving an instruction indicating a client request to access content;
 - accessing, on a client, a list of content sources capable of rendering the content for which access is requested by the client;
 - requesting the content from each of the content sources in the list of the content sources;
 - determining, based on requesting the content, a performance metric describing an ability for the content source to support the client as measured by the client for at least two of the content sources; and
 - selecting among the content sources based on the performance metric to identify a content source to be accessed by the client in response to determining the performance metric for at least two of the content sources.
2. (Original) The method of claim 1 further comprising accessing the content source selected.
3. (Original) The method of claim 1 further comprising monitoring communications exchanged with the content source selected to determine a selected connection state to determine if an alternate content source should be accessed.
4. (Original) The method of claim 3 further comprising repeating the determining and selecting when the selected connection state indicates that the alternate content source should be accessed.

5. (Original) The method of claim 3 further comprising monitoring the state of at least one of the content sources not selected from within the list of content sources so that the alternate content source may be selected when the connection state indicates the alternate content source should be accessed.

6. (Original) The method of claim 1 wherein receiving the list of content sources includes receiving the list of content sources from a host.

7. (Original) The method of claim 6 wherein the list of content sources is received in response to authenticating.

8. (Original) The method of claim 1 wherein determining the performance metric includes polling at least two of the content sources with a polling request.

9. (Original) The method of claim 8 wherein polling at least two of the content sources includes transmitting a stream request to each of the content sources in the list of content sources.

10. (Original) The method of claim 8 wherein determining the performance metric includes identifying a first content source with a response to the polling request that is received before other responses from other content sources included in the list of content sources.

11. (Original) The method of claim 1 wherein determining the performance metric includes identifying a first content source able to sustain an identified throughput rate.

12. (Original) The method of claim 11 wherein identifying the first content source ~~client~~ able to sustain the identified throughput rate includes identifying the first content source ~~client~~ able to sustain the identified throughput rate for a specified duration.

13. (Amended) The method of claim 1 wherein determining the performance metric includes identifying the content source with a highest throughput rate.

14. (Original) The method of claim 1 wherein determining the performance metric includes ranking at least two of the content sources.

15. (Original) The method of claim 14 further comprising using the ranking to select a backup content source to be accessed when the content source selected for access experiences an interrupt condition.

16. (Original) The method of claim 14 further comprising maintaining a relative ranking among at least two of the content sources not selected by transmitting subsequent polling requests to the content sources not selected.

17. (Original) The method of claim 14 further comprising establishing and maintaining a connection to one or more of the content sources not selected from among the list while accessing the content source selected.

18. (Original) The method of claim 14 further comprising switching to one of the content sources not selected from the list when access to the content source selected is determined to be inferior to access available using the content source that is accessed.

19. (Currently Amended) A content access system comprising:
a client with a processor that comprises:

a content access code segment structured and arranged to receive an instruction indicating a client request to access content;

a source selection code segment structured and arranged to:

access a list of content sources capable of rendering the content for which access is requested by the client, and

request the content from each of the content sources in the list of the content sources;

a communications interface structured and arranged to determine, based on requesting the content, a performance metric describing an ability for the content source to support the client as measured by the client for at least two content sources; and

a selection code segment structured and arranged to select among the content sources based on the performance metric to identify a content source to be accessed by the client in response to determining the performance metric for at least two of the content sources.

20. (Original) The content access system of claim 19 further comprising a retrieval code segment structured and arranged to access the content source selected.

21. (Original) The content access system of claim 19 further comprising a first monitoring code segment structured and arranged to monitor communications exchanged with the content source selected to determine a selected connection state to determine if an alternate content source should be accessed.

22. (Original) The content access system of claim 21 further comprising a repeating code segment structured and arranged to repeat determining and selecting operations when the selected connection state indicates that the alternate content source should be accessed.

23. (Original) The content access system of claim 21 further comprising a second monitoring code segment structured and arranged to monitor the state of at least one of the

content sources not selected from within the list of content sources so that the alternate content source may be selected when the connection state indicates the alternate content source should be accessed.

24. (Original) The content access system of claim 19 wherein the source selection code segment is structured and arranged to receive the list of content sources from a host.

25. (Original) The content access system of claim 24 wherein source selection code segment is structured and arranged to receive the list of content sources in response to authenticating.

26. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to transmit a polling request to at least two of the content sources in the list of content sources.

27. (Original) The content access system of claim 26 wherein the communications interface is structured and arranged to transmitting a stream request to each of the content sources in the list of content sources.

28. (Original) The content access system of claim 26 wherein the communications interface is structured and arranged to identify a first content source with a response to a polling request that is received before other responses from other content sources included in the list of content sources.

29. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to identify a first content source able to sustain an identified throughput rate.

30. (Original) The content access system of claim 29 wherein the communications interface is structured and arranged to identify the first content source able to sustain the identified throughput rate for a specified duration.

31. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to identify thea content source with a highest throughput rate.

32. (Original) The content access system of claim 19 wherein the communications interface is structured and arranged to rank at least two of the content sources.

33. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to use the ranking to select a backup content source to be accessed when the content source selected for access experiences an interrupt condition.

34. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to maintain a relative ranking among at least two of the content sources not selected by transmitting subsequent polling requests to the content sources not selected.

35. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to maintain a connection to one or more of the content sources not selected from among the list while accessing the content source selected.

36. (Original) The content access system of claim 32 wherein the communications interface is structured and arranged to switch to one of the content sources not selected from the list when access to the content source selected is determined to be inferior to access available using the content source that is accessed.

37. (Currently Amended) A content access system comprising:

means for receiving an instruction indicating a client request to access content;

means for accessing, on a client, a list of content sources capable of rendering the content for which access is requested by the client;

means for requesting the content from each of the content sources in the list of content sources;

means for determining, based on requesting the content, a performance metric describing an ability for the content source to support the client as measured by the client for at least two of the content sources; and

means for selecting among the content sources based on the performance metric to identify a content source to be accessed by the client in response to determining the performance metric for at least two of the content sources.